

Amendment No. 1135

Senate Amendment to Senate Bill No. 324 First Reprint (BDR 32-1139)

Proposed by: Senate Committee on Finance**Amendment Box:** Replaces Amendment No. 1127**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 324.

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	☐	Lost	☐	Adopted	☐	Lost	☐
Concurred In	☐	Not	☐	Concurred In	☐	Not	☐
Receded	☐	Not	☐	Receded	☐	Not	☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

KCP



Date: 6/3/2007

S.B. No. 324—Makes various changes in the provision of funding for highway projects. (BDR 32-1139)



SENATE BILL NO. 324—COMMITTEE ON TAXATION

MARCH 19, 2007

Referred to Committee on Taxation

SUMMARY—~~[Makes various changes in the provision of funding for highway projects.]~~ **Revises provisions governing regulation of motor vehicle fuel.** (BDR ~~[32-1139]~~ 51-1139)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to ~~[state financial administration; revising the provisions governing the calculation of governmental services taxes due annually for used vehicles; allocating a portion of the proceeds of certain taxes to the construction and maintenance of public highways; increasing the fees for state driver's licenses and identification cards; requiring analyses of the costs and benefits of proposals for certain highway projects; requiring annual performance measurements of and various periodic reports by the Department of Transportation and the appointment of an interim legislative subcommittee to oversee the activities and performance of the Department;]~~ **motor vehicle products; requiring the State Board of Agriculture to adopt by regulation certain specifications for motor vehicle fuel; and providing other matters properly relating thereto.**

Legislative Counsel's Digest:

~~[Existing law sets forth depreciation schedules for determining the amount of governmental services taxes due each year for used vehicles and establishes a minimum tax of \$6. (NRS 371.060) Section 6 of this bill increases the amount of governmental services taxes due annually for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax to \$25. Sections 7 and 14-17 of this bill allocate the revenue from these increases in the basic governmental services tax to the construction and maintenance of the public highways.]~~

~~[Existing law provides for the imposition of state sales and use taxes at the rate of 2 percent of the retail sales price of tangible personal property. (NRS 372.105, 372.195) Sections 8 and 13 of this bill allocate the portion of the proceeds of those taxes attributable to sales by certain retailers to the construction and maintenance of the public highways.]~~

~~[Section 10 of this bill requires the adoption of performance measurements for the Department of Transportation and annual reports of performance. Section 11 of this bill requires the Department to prepare a written analysis of the costs and benefits of each proposal for a highway project that will cost \$25 million or more. Section 22 of this bill requires quarterly reports by the Department on the status of certain proposed highway projects. Section 24 of this bill provides for the appointment of a subcommittee of the Interim~~

~~Finance Committee to oversee the activities and performance of the Department during the next interim.~~

~~Sections 20-22 of this bill increase the fees for a regular state driver's license, a state identification card and a commercial driver's license by \$20.~~

Existing law regulates the sale of motor vehicle fuel and requires the State Board of Agriculture to adopt regulations setting forth the standards for motor vehicle fuel used in internal combustion engines. (NRS 590.010-590.150) This bill requires the Board to adopt by regulation specifications for motor vehicle fuel: (1) based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or (2) proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. This bill also requires the Board to adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 26 of this bill and replace with the following new sections 1 through 3:

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt ~~regulations relating to the standards~~ by regulation specifications for motor vehicle fuel ~~and petroleum products used in internal combustion engines.~~ :

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

~~4.~~ 4. This section does not apply to aviation fuel.

~~4.~~ 5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

Sec. 2. NRS 590.071 is hereby amended to read as follows:

590.071 1. The State Board of Agriculture shall:

(a) Enforce the ~~standards relating to~~ specifications for motor vehicle fuel ~~and petroleum products~~ adopted by regulation pursuant to NRS 590.070.

(b) Adopt regulations specifying a schedule of fines that it may impose, upon notice and hearing, for each violation of the provisions of NRS 590.070. The

1 maximum fine that may be imposed by the Board for each violation must not
2 exceed \$5,000 per day. All fines collected by the Board pursuant to the regulations
3 adopted pursuant to this subsection must be deposited with the State Treasurer for
4 credit to the State General Fund.

5 2. The State Board of Agriculture may:

6 (a) In addition to imposing a fine pursuant to subsection 1, issue an order
7 requiring a violator to take appropriate action to correct the violation.

8 (b) Request the district attorney of the appropriate county to investigate or file
9 a criminal complaint against any person that the Board suspects may have violated
10 any provision of NRS 590.070.

11 **Sec. 3. This act becomes effective upon passage and approval for the**
12 **purpose of adopting regulations, and on October 1, 2007, for all other**
13 **purposes.**